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**PATENT**

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Katie Hales  
Katie Hales

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/609,167

Attorney Docket: DP-308578

Filing Date: 06/27/2003

Applicant: John B. Hageman et al.

Group Art Unit: 3683

Examiner: Schwartz, Christopher P.

Title: HEAT DISSIPATION FOR AN ELECTRIC BRAKE ASSEMBLY

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

This is in response to the Office Action mailed May 9, 2005.

Applicants respectfully request that Applicants' Amendment filed May 23, 2005, be entered and considered in response to the outstanding Action. A copy of the Amendment of May 23, 2005, is enclosed.

The attention of the Examiner is called to the apparent confusion that resulted from issuance of multiple correspondences by the Patent Office following Applicants' Amendment filed December 21, 2004.

Applicants filed a Request for Continuing Examination and an Amendment on December 21, 2004. After considering the Amendment, the Patent Office mailed an Office Action on February 23, 2005.

On March 4, 2005, the Patent Office mailed a Notice of Non-Compliant Amendment directed to the Applicants' December Amendment, in that the text was not included for cancelled claims. Within the short period set forth in the Notice, Applicants filed a Reply to Notice of Non-Compliant Amendment to assure that the December Amendment was compliant, which response was filed April 1, 2005.

Following the Reply in April, the Examiner mailed an Office Action on May 9, 2005, repeating the action of February 23, 2005.

Applicants filed a response to the February Office Action on May 23, 2005, within the period set forth for response. Applicants' counsel was not aware of the May Action at the time of filing the response to the February Action.

Thus, the Office Action of May 9, 2005, was mailed before Applicants' Amendment to the February Action was received.

Applicants' May Amendment has not been considered. The May Action repeats the grounds of the February Action. Applicants' May Amendment provides a full response to all grounds of rejection in the February Action, and thus the May Action. At no time did Applicants intend or believe that the reply to the Notice of Non-Compliant Amendment was response to the February Action.

For these reasons, it is requested that Applicants' May Amendment be entered and considered in response to the May Action. A copy of Applicants' May Amendment, with

the certificate of mailing showing same was mailed on May 23, 2005, is enclosed, in the event that the original has not been entered and cannot be located.

It is believed, in view of the amendments and remarks set forth in the May Amendment, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete

Reg. No. 29,065

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